

SAN FRANCISCO, Feb. 7.—Cloudy, tonight and Friday, high SW wind. Northern California. Cloudy tonight and Friday; heavy frost Friday morning in the interior; light S wind.

Oakland Tribune.

The TRIBUNE is the only paper in this County that can print the Associated Press dispatches. It also gives a full local report.

VOL. LIV

OAKLAND, CALIFORNIA, THURSDAY EVENING, FEBRUARY 7, 1901

NO. 30

SUPREME COURT MUST DECIDE.

Judge Ogden Gives Decision in Water Front Case.

W. R. Davis Says the Higher Court Must Determine the Law.

Judge Ogden filed an opinion this morning in the suit of the city of Oakland against the Oakland Water Front Company to quiet title to the land through which some of the principal streets of the city pass to the deep water line.

The Judge holds briefly that the title to the land is still vested in the city, provided it owned the water front prior to 1865, when the streets were dedicated to public use.

That part of the question is left open and will have to be passed upon by the Supreme Court, although at the trial of the case it was assumed that the city owned the water front prior to 1865, when it deeded it to the Oakland Water Front Company.

The streets affected by the present opinion are Broadway, Washington, Clay and Jefferson on the south side, and Bay and all the streets from Twelfth to Twenty-second street on the west side from the high to the low tide line.

City Attorney Dow stated this morning that from a hasty perusal of the decision he believes it to be entirely favorable to the city.

"The Supreme Court held," he said, "that the Water Front Company's title was good except to the land through which streets had been dedicated prior to 1865. The point then involved was as to the city's right to close dedicated streets and deed the land away. Judge Ogden holds that it did not."

Special Attorney W. R. Davis for the city does not agree with Dow on the subject. Mr. Davis says the Supreme Court must decide the case.

The decision of Judge Ogden simply means that the Supreme Court must pass on the law involved in the case.

An appeal will be taken to the Supreme Court.

The decision follows:

"This is an action to quiet title, brought by the city of Oakland, plaintiff, against the Water Front Company, defendant.

"The cause was tried and an opinion rendered by the trial court in July, 1895; an appeal by the defendant was taken from the judgment rendered in favor of the plaintiff; and the Supreme Court reversed the judgment and order refusing a new trial.

"The cause was originally prosecuted, defended and tried upon the theory that the lands in controversy underlie the entire waters of the estuary, and a large strip of water westward of the city, and beyond the line of high tide. That, such being the case, neither the Legislature nor her municipal agents had the right to convey said lands under the navigable waters of the bay in omnibus, but only in parcels, and then in aid of commerce and navigation. That under the Act of Congress admitting this State into the Union it was 'upon the express condition' that all navigable waters within the State shall be common highways and forever free, as well to the inhabitants of the State as to the citizens of the United States. That while this latter provision did not absolutely protect the disposition of lands under navigable water, yet it compelled the State to declare its policy with reference thereto; and that as to such lands which might be deemed more valuable when reclaimed, or necessary to be reclaimed to aid commerce, a fee might be conveyed in aid of such reclamation, subject to the sanction of the Federal Government. That as to the line between low and high tide (which were assumed to be lands beneath navigable waters), it was held by the State or her municipal agents upon the high trust: First and paramount, in aid of navigation and commerce and fishery. Secondly, to permit access to the channel by those who may have derived their title from the State or United States and purchased their lands upon the line of high tide, with a view to its accessibility by sea, and upon the faith that they should have access thereto, unless the public good forbade.

"Five Justices of the Supreme Court concurring determined that the land in controversy was not as extensive as first presumed, but constituted the strip between the low and high tide line lying on the south and west sides of the city of Oakland. Three of said Justices found that as to such lands the town of Oakland originally had no power to convey, but the sole right vested with the State; that the State, by the passage of the Act of March 2, 1863, enabled the city to convey the lands in question and the subsequent ordinances of the city passed April 1st and 24, 1863,

effectually vested title in the defendant in and to the land in question.

"Two dissenting Justices followed the decision in the Chicago case (supra) and held that the land in question was covered by the navigable waters of the bay and the case was governed by the rule thereto and down.

STREETS OPEN.

"Subsequent to the 15th day of May, 1852, and before the 2d day of April, 1863, the city of Oakland declared a large number of streets of the city open and public streets, some of them to the line of high tide others to the line of low tide, and others again to the southern boundary of the city, which would bring them to the line of low tide on the Alameda shore.

"The question now presented to this court upon the return of said cause is: which streets have been by the city of Oakland dedicated to public use and are imposed as a charge upon the land in question.

"In determining this question it becomes important to determine the effect of the decision of the Supreme Court.

"On the tract in question when covered by the tides subject to the easement of navigation, is the purpose of navigation to be an estuary?"

"In England the estuary and flow of the tide constituted the legal test of the navigability of waters and 'tide waters' and 'navigable waters' were synonymous terms. I am constrained to believe, however, that the Supreme Court intended to hold in its opinion relied in that at least after the 15th from the city vest in the granted tract the right to use, not only any such easement in favor of the city, or the inhabitants of the State, and that said lands were not a part of the estuary.

"If the construction to be placed upon the act of the Legislature declaring the estuary of San Antonio navigable was effective to make that stream navigable within the lines of ordinary high tide, all of it had been dedicated to public use and then by a grant of any part of the lands under these waters would subject them to such easement.

"But the Supreme Court announced no such rule and undoubtedly proceeded upon the theory that the shore line (that is to say, the line between high and low tide) when sold by the State became proprietary of the specific lands and not lands subject to the navigable waters. Had such been the case, it would have been unnecessary for the case to be tried anew. If the city has no easement over all land in question its rights would not have been limited by those portions secured to her by the compromise of that date" (April 2, 1863), "AND SUCH STREET, THOROUGHFARES AND OTHER FARCELS AS MAY HAVE BEEN PREVIOUSLY DEDICATED TO PUBLIC USE."

"That it is true as the plaintiff claims that all the lands around the city between the lines of low and high tide had been dedicated by nature to the public use of navigation, commerce and fishery, and the act of the Legislature and the act of Congress of 1850 rendered it inalienable in bulk so far as affects this dedication, then we would have been met at the threshold of this case with the fact that the Supreme Court required us to do a vain thing in retracing the steps of the trial under such a construction of the decision the city would be entitled to an easement over the land in question wherever its streets or property might touch; and that such easement would not be confined to those portions secured by the compromise of that date" (April 2, 1863) and such streets and thoroughfares as may have been dedicated to public use.

"In answer to plaintiff's argument I will state that I am not quite able to comprehend why the act of 1863 authorizing the city to compromise its difficulties (a power which it would seem must be inherent in all public bodies) operated as a new legislative grant or gave to the city any more power to sell the land in question than that already possessed by it under the act incorporating the town as vested in it under the statutes of 1861.

"So far as the interpretation of the state of 1863 is concerned, we cannot look to the motives of the Legislators in passing the bill.

"Whether they had in consideration the disputes between Carpenter and the city, or other disputes between the city and third persons (and which could not under any rules of evidence have been disclosed to the Court in this case) or whether the legislators had in view the great benefit to the city of Oakland from an incoming railroad, are all part of the parliamentary history of the Act.

(Continued on page 2.)

TRIED MURDER AND SUICIDE.

Berton Henderson Shoots Fannie O'Neil and Kills Himself.



BERTON HENDERSON AND FANNIE O'NEIL.

Driven to desperation by a marriage engagement arbitrarily broken off by the object of his love, Berton Henderson last night shot his inamorata, Miss Fannie O'Neil, in the head, wounding her in a serious manner. He then turned his revolver upon himself. The bullet crashed into his head behind the right ear and death came to him within a few moments.

The tragedy was enacted in room No. 2, Ross House, 461 Ninth street.

As a consequence Miss O'Neil now lies in a precarious condition at the Recieving Hospital, her face drawn, her eyes swollen and discolored, with a bullet hidden on the right side of her head below the temple, and a face that was more than usually pretty marked for life.

Henderson, bloody, with a ghastly wound in the head, lies dead at the morgue, and so far as known, without immediate friends to care for his remains.

The first intimation of the bloody deed was that received by the laundry, Mrs. Wood, about 11:30 o'clock.

It was a noise such as would be made by the breaking of furniture.

This was soon followed by a scream which reached the ears of another laundrywoman.

It was made by a young woman, partially disrobed, in the doorway of room 2. The laundry rushed to the scene, found Miss O'Neil with her face bathed in blood, and Henderson lying gasping and dying on the bed. Death soon ensued.

The police and coroner were notified of the occurrence. Miss O'Neil was taken to the Recieving Hospital and Henderson to the Morgue.

The surgeons found that the bullet had entered Miss O'Neil's left cheek, then ranged downward and again upward, lodging in the opposite side of the head. The wound, they declared, was not necessarily fatal and they postponed the extracting of the missile until the exact location could be determined by means of the X-ray.

While the probing was in progress Miss O'Neil displayed a nerve and fortitude which commanded the admiration of the surgeons in charge.

After his removal to the Morgue, Henderson's clothes were searched, but there was nothing found in them to identify him or to shed light on the tragedy, at least so far as he was concerned. Henderson's coat, however, had been placed around Miss O'Neil when she was taken to the Recieving Hospital to protect her from the chill wind and in the pocket were found a couple of thimbles taken at the

MISS O'NEIL.

10% Discount Sale

During the Month of February

Special Discounts
that you should take advantage of.

50% off all Calendars.

20% off all Leather Goods.

20% off all Toy Books and Games.

20% off all Bibles, Prayer Books; Etc.

20% and **10%** off Publishers' Prices in our Book department

In Our Framing Dept.,
you get a discount of **10 per cent** off your framing orders—the same unequalled workmanship and perfect satisfaction are guaranteed. Reparating old frames a specialty.

Special Sale of Celluloid and Metal Goods and various Odds and Ends from old store at about **25c** on the dollar.

SMITH BROS.
Booksellers Art Dealers Stationers
TWELFTH AND WASHINGTON

Writing Tablet Sale

The entire stock of popular priced Tablets, purchased from a large wholesaler, will be placed on sale today at prices that positively assure you **double value** for your money—**no discount for quantity.**

Guardian Tablets—note or pocket size—good quality, smooth surface paper—each Tablet contains **120** sheets—were marked to sell at 10c **Spool 5c**

"Wild Flower" and "Orion" Tablets
—Note or pocket size—A superfine paper—ruled or unruled—splendid value at 15c tablets—for this sale only. **Special for 10c**

"Blue Ribbon" Tablets—letter size—ruled only **Spool 10c**

EXPERT HENNY TRIES TO EXPLAIN.

Telling Questions Put to the Engineer By Attorney M'Cutcheon.

In his closing testimony yesterday D. C. Henny, the expert for the city, testified in the water case that he had not taken into consideration the cost of acquiring lands and water rights for the proposed Pinole system. He knew nothing about what suitable sites for distributing reservoirs in the city would cost nor had he considered that it might require long and expensive condemnation proceedings before the city could gain a title to the drainage area and water rights of the proposed system. He had simply estimated the cost of the structural part of a water system at Pinole and had valued the Contra Costa plant by this estimated cost, less assumed deterioration.

Councilman Mott's rubicund visage and vacant smile gave a tinge of broad farce to the proceedings this morning. His damp under lip hung out large and fresh like a cut of rare roast beef, and his small eyes twinkled like those of a predatory pig that had found a crack in the corn crib. It is a philosophical study how a man can look so foolish and apparently be so happy. It would seem that there is physical enjoyment in mere stupidity.

A LOW RATE OF INTEREST. Engineer Henny said he had in his calculation allowed the Contra Costa Company 7 per cent interest for the years 1868, 1869 and 1870. From the latter year to 1885 he had set the rate gradually down to 5 per cent, which was the rate he allowed for the past years.

"Are you aware that bonds issued by the company drew interest at the rate of 7 per cent down to 1885?"

"Yes."

"Then by your method of computation you have allowed the company a less rate of interest than it was actually paying for borrowed money?"

"I am aware that 7 per cent was paid on outstanding bonds from 1870 to 1885."

"Does not the rate of interest you have assumed materially affect the amount of loss or gain that you have assumed?"

"It is all in the ratio of interest. If you take 10 per cent as the rate the loss may be figured as millions, and if you take 2 per cent the gain would be millions."

"Does not the rate of interest you have assumed materially affect the amount of loss or gain that you have assumed?"

"Yes; the bondholders are usually secured in their investment, while the stockholders take all the risk."

"If you invested your money in a business subject to a mortgage to secure bonds would you not think yourself entitled to a larger return than the rate of interest paid the holders of the bonds?"

"I would not care to invest my money in a business that did not give me a larger profit than the interest on bonds."

THE EXPERT CORNERED.

Next McCutcheon asked a series of questions that brought out replies which were body blows to the Council's valuation.

"If a plant is valued for rate fixing purposes at \$3,000,000, and the rates fixed to allow a return of operating expenses and 5 per cent on the valuation,

rates had not provided for it?"

"Suppose that the depreciation could be replaced for \$100,000; would you still deduct \$100,000 from the valuation?"

"Yes, because on that assumption the whole plant could be replaced for \$200,000."

Then the value of the plant would only be one-tenth what it cost?"

"That's right."

During the examination the witness grew blunter wherever he was pressed into a more forcible, and finally became humorous as a copy of the *Pinole Blaster*. In fact, his general make-up and manner are highly suggestive of the ballyhoo little Dutchmen pictured in the pages of that comic journal. His wit was a stout flavor of Frankfurter and Limburger. He was still juggling with figures and emitting sundry sawdust scintillations when the noon recess was taken.

PROPERTY OMITTED FROM VALUATION.

Just before lunch Expert Henny said that he had totally ignored various items in the cost of construction aggregating \$20,000, because the structures had disappeared or been discarded. Among these was \$14,000 for the abandoned dam at Temescal and \$5,000 for work on the Central reservoir, which had never been completed. Witness admitted that he had no reason to believe that the amounts stated had not been expended as testified to, but he omitted them in his valuation because the old dam at Temescal had been abandoned while the Central reservoir is not at present in use.

"Suppose the work on the Central reservoir was suspended because the Council had stated it was better to stop it and erect a filter plant at San Leandro; and the company had retained that reservoir site with the intention of completing it when it was able to do so; do you not think the money expended upon it should be included in the value of the plant?"

"There is no evidence that the Council made any such suggestions," interjected Henny.

"Oh, yes, there is," said McCutcheon. "The evidence is that some member of the Council suggested it," replied Henny. "What the Council does is its official action."

"But it is a fact that the work was abandoned in obedience to a suggestion coming from the Council and which was in the nature of a command."

"I have not inquired why the work was stopped," said the witness. "I have only ascertained that the reservoir is not used in supplying the city with water."

Applying his method of determining the value of water developed as separate from the value of the system by which it is distributed, the witness estimated the daily supply of San Leandro and Temescal at 650 inches worth \$1,950 an inch, or a total of \$1,075,000. The Alvarado supply is estimated at 35 inches, worth \$758 an inch, or a total of \$702,350. If this assumed value of water developed were deemed the value of water rights it would have to be added to Henny's valuation of \$2,025,000 for the physical structure of the plant. The addition of \$702,350 estimated value for water rights would bring the total up to \$4,329,000 after deducting for assumed deterioration and making no allowance for loss of interest. If these two items were added the total would be something over \$6,000,000. Adding the \$20,000 for abandoned structures and the land values and the aggregate would not be over \$6,200,000."

"That is all I have seen that Henny and Engineer Adams do not vary greatly in calculations, though they are wide apart in conclusions due to radically opposed theories of what constitutes value."

IGNORED THE INVESTMENT.

"Mr. Henny, in your financial computation do you not entirely ignore the amount of money paid in on stock investments and bond sales?"

"Oh, entirely."

An analysis of his figures showed that he had made arbitrary assumptions as to the amount of money invested in the plant at the various periods named in his interest computation.

"Have any of the principals (meaning amount of investment) on which you have calculated loss and gain been testified to in this case?"

"No."

"How do your estimates of additions to the plant since 1868 compare with the reports filed with the Council by the company?"

"My estimates of additions foot up \$15,500 more than the reports of the company show."

"The additions reported by the company being smaller than yours, would you say the reports were fair?"

"So far as I can see, yes; there is nothing strikingly wrong in them."

The importance of this answer lies in the fact that the defense has been covertly attacking the reports from the start, suggesting that operating expenses were carried into construction account in order to swell the investment. Another thing, Henny's figures indicate that in order to decrease the interest charge during the earlier period he had arbitrarily placed the columns of additions some \$67,500 of original investment.

YESTERDAY'S PROCEEDINGS.

When THE TRIBUNE went to press yesterday, Expert Henny was still on the stand.

"MY POOR FRIEND 'MILLER'."

It developed that Mr. Henny had very little experience in managing and operating water works—practically, all his experience in this line being derived from his connection with the Western Pacific Railroad.

"Do you think a man who has never built a mill or operated water works is competent to give an expert opinion as to the value of a water works?"

"That is aimed at my poor friend Miller," exclaimed Henny.

"Mr. McCutcheon does not make Mr. Henny give an answer that will reflect upon the qualifications of Mr. Miller."

McCutcheon let it go at that, and tried to get the meaning of the expert's Henny's article of "allowance for business built up."

"I believe you said you would not consider the expense of building a business up an element of value?"

"I don't know that I said it before, but I say so now."

"What did you mean by the expression of 'allowance for business built up' in your article?"

He referred to a company operating a limited franchise.

"Was not this the condition? Had not the franchise expired?"

"Yes; but it might be renewed."

"But the only thing certain was that the Company had a plant but no right to do business? All the other things were bare possibilities?"

"Did you not say that 'where the franchise is of water works is above the liability to take over the plant it is difficult to see how the valuation should be more than the cost of duplication less depreciation, with a sufficient allowance for business built up?'"

"Yes."

"Did you not there say that an al-

lowance for business built up in fixing value?"

"I did not say the allowance should be made, but that it was difficult to see how the valuation could be more than the cost of duplication with such a moment to be entertained."

Henny subsequently read from an article to show that if a franchise was not renewed at its expiration, and the city took over the plant it was not expected that the city would pay more than scrap value for such parts as it could use.

"Are you not valuing this plant as it is?"

"Suppose that the depreciation could be replaced for \$100,000; would you still deduct \$100,000 from the valuation?"

"Yes, because on that assumption the whole plant could be replaced for \$200,000."

Then the value of the plant would only be one-tenth what it cost?"

"That's right."

During the examination the witness grew blunter wherever he was pressed into a more forcible, and finally became humorous as a copy of the *Pinole Blaster*. In fact, his general make-up and manner are highly suggestive of the ballyhoo little Dutchmen pictured in the pages of that comic journal. His wit was a stout flavor of Frankfurter and Limburger. He was still juggling with figures and emitting sundry sawdust scintillations when the noon recess was taken.

PROPERTY OMITTED FROM VALUATION.

During the examination the witness grew blunter wherever he was pressed into a more forcible, and finally became humorous as a copy of the *Pinole Blaster*. In fact, his general make-up and manner are highly suggestive of the ballyhoo little Dutchmen pictured in the pages of that comic journal. His wit was a stout flavor of Frankfurter and Limburger. He was still juggling with figures and emitting sundry sawdust scintillations when the noon recess was taken.

for house wear

challies,

because of its fineness, softness, delicate colorings and clinging effect, challie is pre-eminently the fabric for house gowns, dressing-sacques and children's dresses. Our spring importation is now in. Silk stripes, Dresden effects, polka dots and crepe effects continue in favor. Prices from **5c** to **50c**

thirty-five cents to one dollar

Taft & Pennoyer, Inc.

1161-1173 Broadway. 467-469 Fourteenth Street

pressed that it is important whether the grant to Carpenter was made good in 1868, for the first time, not as of May, 1872; that, therefore, in 1852, when the street dedicating ordinances were passed, the city of Oakland was still the owner of the water front and all the street dedicating ordinances of 1852 were effectual and operative across the water front owned by the city. It will thus be seen that the interpretation and effect to be given to the compromise of 1868 is all important upon the question as to how many streets were effectually dedicated by the street dedicating ordinances of April 1st and 2nd.

CARPENTIER CONVEYANCE.

"As we have before said, it is plain from the reading of the opinions filed by the Justices concurring in the reversal of this cause that the only apparent obstacle to making valid the conveyance to Carpenter on May 17, 1852, was the lack of legislative sanction. According to the decision, this sanction was given either in 1861 or 1868. In 1861, the Legislature ratified and confirmed all the ordinances of 1852, and on April 17, 1862, the city declared that there should be three streets open to deep water or the line of low tide, to-wit: Main street, 1st or G street and D or E street, and it was therein provided that said Carpenter should build wharves at the foot thereof. It is true that the consideration for the promise of Carpenter to build said wharves was afterwards by our Supreme Court declared to be held void. Yet the ordinances of the city and communications of Carpenter in evidence in this case show that he did build the wharf at the foot of Main street (now Broadway) and it was accepted by the city (ordinance January 1, 1853); that he did build the wharf at the foot of G street and the same was approved (ordinance Aug. 2, 1852); and that the city agreed that the wharf proposed for the foot of D or E street might be built at the foot of Castro or Grove street.

"The ordinance passed by virtue of this enabling act are confirmatory ordinances, pure and simple.

"If the ordinances do anything, they may make valid the conveyance of May 17, 1852. There is no language used in either of them importing a new grant, but the words there used are mere words of 'lease and compromise,' and no new ordinances of grant were made or passed.

"The Supreme Court having construed the compromise of 1868 as the ratification of 1852 as being effective, it only remains for this Court to give effect to them. While I am aware that the learned Chief Justice has used the words 'wholly void,' 'was a gross and evident excess of power' and 'absolutely void' in reference to the conveyance of May 17, 1852, and the various confirmatory ordinances prior to 1852, yet I am compelled to believe that these words were not used in their strict sense. An estate which is valid in law cannot be affected by this decree, but as to G street and the street accepted by this city in lieu of D or E street, it will be adjudged that the city has an easement thereon to the navigable waters of the bay—the estuary of San Antonio.

"There are strips of land lying within the description contained in the complaint herein, lying to the east of the boundaries of the city of Oakland as described in the act of incorporation of 1852 and immediately south of the high lands in Clinton and San Antonio, the little to which this has not been described in the strict sense. An estate which is valid in law cannot be affected by this decree.

"This is another reason why it must not be held that the ratification was retroactive.

"In 1854 the charter of the city provided that all sales and leases of property belonging to the city should be by public auction. Similar provisions have always been held mandatory.

"Surely, if the title to the property in question had not passed from the city prior thereto (that is to say, previously to the ratification of the Legislature) any new conveyance thereafter must be under and in accordance with the terms of the charter or be held void.

"It is true that it may be claimed that the act of 1852 was rejected by implication the 'public auction' provision of 1854, but even so, that would not affect the ratification of 1852.

"It needs no citation of authority to the effect that repeals by implication are not to be favored.

"To say that every legislator who voted for the bill authorizing the city of Oakland with the concurrence of the Mayor to compromise and adjust all their controversies is charged with the responsibility of changing an express provision of its charter, or a strict act of the city would be to invite the criticism of the Chief Justice that such legislation is reckless and dangerous.

Oakland Tribune

PUBLISHED DAILY (Sunday excepted)
—AT—
413, 415 and 417 EIGHTH STREET
—by the—
TRIBUNE PUBLISHING COMPANY,
WILLIAM E. DARGIE, President.
Delivered by Carrier
—AT—

50c per Month



Notice to Subscribers.

Subscribers will please report any irregularity or delay in the delivery of THE TRIBUNE. Notice sent to the business office, 417 Eighth street, or by telephone to Main 46 will receive prompt attention.

The Tribune in San Francisco.

THE OAKLAND TRIBUNE will be found on sale in San Francisco every evening at the following news stands: Foster & Groat's, Ferry Building; Palace Hotel news stand; Grand Hotel News stand.

The Eastern offices of THE OAKLAND TRIBUNE are situated at 230 to 231 Temple Court, New York City, and at 318 and 319 U. S. Express Building, Chicago, with Mr. E. Katz as manager.

Amusements.

Dewey—"Wicked London."
Columba—"A Midsummer Night's Dream."
California—"Tess of the D'Urbervilles."
Orpheum—Vauville.
Alcazar—"Judah."
Alhambra—"The Sorrows of Satan."
Tivoli—"Nell Gwyn."
Grand Opera House—"Shamus O'Brien."
Central—"Daughter of the Million."

THURSDAY FEBRUARY 7, 1901

AFRAID OF UNCLE SAM.

Has the United States become the great overshadowing ogre of the earth? The European press during the past few months is unanimous in agreeing upon one point and that is, that something must be done to stay our industrial, commercial and financial progress. All sorts of propositions are advanced as to how this object is to be attained, radical writers going so far as to suggest that a universal crusade of arms be inaugurated to crush the North American Republic, while others talk of a coalition of all the European powers to prohibit the importation of American products. The trade reports of the Old World are full of gloomy forecasts concerning conditions over there and are correspondingly replete with reference to our progress and prosperity.

Only a few years ago these same newspapers and trade journals were engaged in giving this country all sorts of advice. We were regarded as a sort of bumpkin race sadly in need of instruction as to how to get along. Our consulting methods were sneered at and our tariff policy was deprecated as being harmful to us. Now these critics have awakened to the fact that we are a long way ahead in the race. Europe owes us a trade balance which is constantly increasing and the Old World governments are compelled to come over here to borrow money. American enterprise and capital have entered the European centers and are providing and projecting street railways of a modern type, putting in up-to-date lighting plants and introducing other comforts, all of which means that the people across the water are getting deeper into our debt and that we are increasing our mortgage on them.

In the meantime we are building up our navy and fortifying our seacoasts. Our war vessels are admittedly the best constructed and the finest equipped in the world. They are modern in every particular and our navy is not all on paper or mostly composed of old junk. Our army is organized in business lines and it is not for show or ornament. It is not hampered with gorgeous uniforms nor burdened with gold braid but is lightly clad and ready for effective service at a moment's notice. Our little trouble with Spain showed that on sea or land we are not behind the times and yet that strife was scarcely a holiday jaunt and did not give any idea of what we could do when engaged in serious business.

Of course, these facts are appreciated by the European cabinets, and while the excited journalists may bluster about retaliation and fight, those who hold the reins of power know that we have outgrown the time when we can be dictated to. So far as the Old World is concerned it has many a regret that the Plymouth Rockers were ever permitted to come over here and open shop. They succeeded so well in the business of conducting their own affairs that they have a mortgage plastered on the rest of creation and are making the other fellows who stayed at home scratch like the mischievous to pay the interest.

PREPARE FOR THE COLONISTS.

The inauguration of the colonist rate over the Southern Pacific and the Santa Fe routes to California, which goes into effect in April, will undoubtedly bring thousands of people to this coast, and the time is ripe in which to begin making preparations to receive them. It devolves upon our commercial and other organizations of a public-spirited character to see to it that the incoming colonists are put in the way of opportunities to secure lands suitable to their purposes and needs. In the first place, immigrants of this class have a very limited capital, but what they do possess should be so wisely invested that, combined with their own efforts and labor, they can soon find themselves able to make their own way. In the settlement of the Northwest Territories the settlers were given the lands upon long time payments and in some cases were furnished with the seed and stock necessary to begin operations. They were also given credit for such goods as were necessary to support them and their families until the crops were harvested.

Of course, this is not necessary now, but we should make every effort to give these people an opportunity to learn of the various advantages of the different sections of the State. California requires just such a class of settlers and no matter whether they take up their homes in San Diego or Siskiyou, they will have a material influence in aiding in the development of the State and will thus benefit all. There are millions of acres of Government lands available for entry and many millions more of individual holdings that ought to be subdivided and placed on the market for sale to actual settlers. Those organizations having the interests of the State at heart should bend their energies toward seeing that the incoming colonists are not wrongly advised and that every facility is given them to locate advantageously. By a united and well directed effort there is no reason why California should not become the Mecca of the industrious and hard working settler just as it is the haven for the health seeker and well-to-do tourist.

Monsignor Martinelli is to be given a Cardinal's hat. It is a good thing for him that the newspapers are giving so much publicity to the fact, for it will save him lots of trouble answering questions as to where he got it.

It has been discovered that the Chinese have been expressing the remains of their dead to China under the guise of fastbones. Probably the mistake occurred through their marking the packages C. O. D.

POINTED PARAGRAPHS.

Merit often turns up in unexpected places.
A man without a country is one who lives in a town.
Wise is he who has a cage ready for the bird in hand.
Corkscrews have sunk more people than cork jackets ever saved.
When you can get a horse at a bargain—drive the bargain.
The rolling stone reaches the foot of the hill in due time.
Empty compliments and senseless abuse are on an equal footing.
Smartness enables a man to catch on and wisdom enables him to let go.

A stiff upper lip is useless when pitted against a wagging lower jaw.

The ribbon of the stock ticker might be appropriately termed "read tape."

The larger a man's salary is the larger the increase he thinks he is entitled to.

Some men are so accustomed to making fools of themselves that they don't mind it.

It takes two to make a quarrel—but when one is willing it's easy enough to find another.

When a young man takes a pretty girl for a boat ride he is seldom content with hugging the shore.

A spinster says that an old bachelor is a man who has lost an opportunity to make some woman miserable for life.—Chicago News.

NEW YORK.

The low line of the walls that lie outspread
Miles on long miles, the fog and smoke and slime
The wharves and ships with flags of every clime,
The domes and steeples rising overhead!
It is not these. Rather is it the tread
Of the million heavy feet that keep and bind
To heavy thoughts, the want that mothers crime,
The weary toiling for a bitter bread,
The perishing of ports for renown!

The shriek of shame from the concealing waves.

Ah, me, how many heartbeats day by day
Go to make up the life of the vast town!

O myriad dead in unremembered graves!

O torrent of the living down Broadway!

—Richard Hovey.

BOERS PLAY INTO BRITISH HANDS.

Associated Press Dispatch to The Tribune.

LONDON, Feb. 7.—The Daily Mail has the following from its London correspondent:

The King of Portugal is staying a few days longer in London than he originally intended, at the express wish of King Edward. His visit is likely to have important developments. The Portuguese section of the Delagoa Bay Railway is now in British hands, but this is merely a temporary arrangement between the two governments.

Commenting upon the situation at Delagoa Bay and the evidence that the Boers have penetrated twenty-three miles into Portuguese territory, the Daily Mail expresses a belief that British troops are now guarding the Delagoa Bay Railway down to the sea, and that it will be possible to send troops by the Delagoa route. It urges, therefore, that Great Britain gains by the Boer movement.

BIG SHIPBUILDING DEAL OFF.

Associated Press Dispatch to The Tribune.

NEW YORK, Feb. 7.—A special to the Times from Philadelphia says:

It is currently reported that all negotiations between the Vicker Brothers-Maxim firm of England and the Cramp Shipbuilding Company of this city, looking to the practical amalgamation of the companies, have been broken off. It was understood that all details for the carrying out of the plan were to have been perfected at a meeting of the Cramp Company, which was said to have been scheduled for today, and at which the Vicker Brothers-Maxim representatives were to be present. Now the deal has been declared off the matter is not likely to be mentioned at this meeting.

SITE SELECTED FOR NAVAL ARCH.

Associated Press Dispatch to The Tribune.

NEW YORK, Feb. 7.—The approval of the city officials has been given to Battery Park as a site for a naval arch to commemorate the deeds of valor by the United States sailors. Mayor Van Wyck gave his approval of a site selected by a committee of the Naval Academy Alumni Association, and he said \$1,000,000 ought to be raised for such a purpose.

According to the naval men who have taken hold of the plan the money will be raised either by popular subscription from the city of New York or by aid from the State of New York or the United States Government.

KAISER FEELS HIGHLY HONORED.

Associated Press Dispatch to The Tribune.

LONDON, Feb. 7.—The court circular announces that Emperor William, in thanking King Edward for conferring upon him the rank of field marshal, said the honor enabled him to wear a uniform similar to that worn by the Duke of Wellington and Earl Roberts, a compliment that would highly appreciate in the German army.

BALLINGTON BOOTH COMING.

Associated Press Dispatch to The Tribune.

NEW YORK, Feb. 7.—Mrs. Maud Booth, wife of Commander Ballington-Booth of the Volunteers of America, has returned to her home at Montclair, N. J., after an extended trip through the West. Commander Booth will start next week for California.

HEAVY LOSS OF LIFE REPORTED.

Associated Press Dispatch to The Tribune.

LONDON, Feb. 7.—The Daily Express and the Morning Leader publish sensational dispatches from Vienna and Budapest to the effect that papers in those cities assert that between twenty and thirty people were killed at Marsarszky.

NO MORE HORSE MEAT FOR NEW YORK.

Associated Press Dispatch to The Tribune.

NEW YORK, Feb. 7.—The Board of Health by a unanimous vote has prohibited the future slaughter of horses in this city and the sale of meat from all such animals slaughtered elsewhere.

EMPEROR WILLIAM HOME AGAIN.

Associated Press Dispatch to The Tribune.

BERLIN, Feb. 7.—Emperor William arrived at Homburg at 8 o'clock this morning. The Prince reached Potsdam at 8:30.

ABE P. LEACH

TAKES A BRIDE.

Pretty Wedding at the Mehrmann Home.

Abe P. Leach, the well-known young attorney, and Miss Freda Curdus were married at 5 o'clock yesterday afternoon at the residence of Dr. and Mrs. H. B. Mehrmann in Golden Gate.

The ceremony was performed by Rev. C. H. Brown of the First Congregational Church.

The bride was attended by her sister, Miss Edna Curdus, and the groom by his brother, Edwin H. Leach. Only the immediate relatives were present at the ceremony. After congratulations were over, a elaborate wedding breakfast was served, covers being laid for thirty-two.

The couple were united beneath the floral wedding bells of bride's roses, narcissus, and carnations which hung in the drawing room of the Mehrmann home. The apartment was beautifully decorated with almond blossoms and strings of smilax.

The reception which followed the nuptials took place at 9 o'clock. The Mehrmann grounds were again lighted with electric lights for the occasion. There were nearly 200 guests present, many coming from San Jose, the former home of the bride.

Mr. and Mrs. Leach left on their honeymoon today, and after a short trip will reside in their own home on Eighteenth street, which was completed recently for the groom.

The bride is a sister of Mrs. Mehrmann and has been prominent in social circles in San Jose and the bay cities.

Mr. Leach is a son of F. A. Leach, superintendent of the United States Mint, and is at present Assistant District Attorney, acting as city prosecutor.

He is a prominent Mason and a member of many social and fraternal organizations. He is one of the most popular young men of Oakland and enjoys a host of friends.

The bride is well-known in society, is accomplished and has a host of friends.

PERSONAL

Little Brackett of Oakland, who is clerk to the Chief Quartermaster at Alvaro, will leave there shortly for America. He expects to come by way of New York and after spending a few months there will return to Oakl-

and. Mr. and Mrs. Ross L. Buell of Sacramento have moved to Oakland and are residing at 123 Kirkham street.

TREBELLI WILL GIVE FINE CONCERT.

Antonietto Trebelli, the famous singer, assisted by Robert Clarence Newell, will give a concert at the First Unitarian Church February 11 at 8 p. m. Seats will be placed on sale at Kohler & Chase's store on Monday next. The program is as follows:

A Tre Glad Son.....Pergolesi

B Ma Rendi Pur.....Bellini

C Ipoli.....Lombardini

Tarantelle Pantastique op. 29.....Alvah G. Salmon

Divinites Du Styx (Ye Gods of Endless Night).....Gluck

When Thy Sweet Glances.....Dvorak

Songs My Mother Taught Me.....Purcell

Preludes, G, major, B minor.....Chopin

Etude op. 10, No. 5.....Paganini

Polonaise (Allegro).....A. Thomas

Reviews.....Berlioz

Two Splashing Songs.....Tchaikowsky

A The Mermaid Song.....Pachulski, Mendelsohn

B Away, Away.....Haydn

J. L. DAVIE IN FAVOR OF DOLLAR LIMIT.

Ex-Mayor John L. Davie is now in the fight as an independent candidate for Mayor. He says: "My platform is a city government of water, light and power. I am not a candidate for mayor, I am satisfied that a dollar limit of taxation will raise sufficient funds, if economically expended to meet all demands upon the city treasury."

FUNERAL OF THE LATE H. H. LAWRENCE.

The funeral of the late Henry H. Lawrence took place from the Brooklyn Presbyterian Church yesterday afternoon. Rev. H. W. Fraser officiated. Many members of the California Pioneer attended the funeral.

There were numerous tributes, including appropriate emblems from Collector of Port Frederick S. Stratton and the Pioneers. The music was rendered by a choir composed of Mrs. R. L. Revak, Mrs. Charles L. Dingley, J. S. Murdoch and Harry L. Perry. The pall-bearers were W. W. Chase and A. H. Phelps of the Society of California Pioneers, Wallace D. Ford, Rev. W. H. Haven, George R. Williams, Rev. J. M. Alexander and John Russell. The interment was in the Pioneers' plot, Masonic Cemetery, San Francisco.

INJURED HIS ANKLE.

C. H. Timmons, a laborer, got caught beneath a deck plank on the ship "Mormon" yesterday afternoon and had his left ankle crushed. He went to the Receiving Hospital, where Warden Page dressed his injuries. Timmons resides at 111 Twenty-second street.

Pears' soap is nothing but soap.

Pure soap is as gentle as oil to the living skin.

Pears' is the purest and best toilet soap in all the world.

All sorts of people use it, all sorts of skins, old, especially drugged.

Go to Swenson's for furniture, carpets, etc. Lowest prices 200 Broadway, corner Franklin. Phone brown 725.



When a man is drowning his rescue is a question of timely help. It is the same thing in disease. Many a time the doctor says of a man whose condition is hopeless, "If you'd begun in time you might have been cured."

This is especially true when the disease affects the lungs. Delay is

The Face House

THE H. C. CAPWELL CO.
12th and Washington Streets.

Ready-made Sheets
and Pillow Slips
to fit any size bed, or pillow,
torn, hemmed; all good
values.
Pillow Slips from 12^½ c
Sheets from 48 c

Spring's first blooms

are here and they are more beautiful even than those of last season. Fresh bouquets will be constantly arriving but you should at least pick a boutonniere from the first arrival.

New Spring Fabrics

New Llama Cloth Challies, dark and light patterns, handsome figurings 16 c

New Ginghams, in checks, stripes, root colors and patterns 10 c and 12^½ c yd

New Percales, all new patterns, yard wide, extra heavy 12^½ c

New Ponginette has appearance of best foulards, and will stand three times the wear; nearest approach to pure silk that's made and so like it that only experts can detect difference; very newest colorings and figures 35 c yd

Poult de Soie, a new French dress fabric—one of our exclusive importations; satin stripes, figured and corded, choice patterns, 30 inches wide, pleasing variety of colors 65 c yd

Grenadette is a novelty cord dress goods, gray and navy 20 c yd

New Silk Waists

From among the first arrivals we will say a passing word of three styles:

Elegant Taffeta Waist, tucked, bishop sleeves, latest style collar and finish; solid colors, black, red, pink and blue 5.00

Handsome Tucked Waist, newest finish throughout; black, blue, red, cadet and cerise 3.75

High Quality Silk Waist, tucked, and stitched, rich bolero effect, new bishop sleeves; new colors 3.50

NO FIREMEN FOR ANNEXED DISTRICT.

The Board of Fire and Police Commissioners yesterday approved demands aggregating \$19,20 against the Police Fund, \$241 against the Fire Fund and \$35 against the Fire Alarm and Police Telegraph Fund.

Claims were allowed as follows, viz.: M. Bush, for \$31.45; W. J. Hamb, \$33.57; W. J. McGinnis, \$16.94. These men were ill in recent months. They are members of the Fire Department.

Mr. Dow asked if the matter of appointing firemen for the two engines in the annexed district should be taken up.

Chief Ball stated that nineteen men were needed for the two companies.

Major Snow said he wanted to first know where the money was to come from to pay salaries. If he were only Commissioner and not Mayor he might be willing to go ahead and elect firemen and swell the roll call. He was ready to vote on any list of firemen brought up, but had no list of his own and had seen no list.

Mr. Dow did not press the matter, as Mr. Clement seemed not inclined to join in the discussion.

Chief Englewood Ball submitted a list of furniture required to equip the two new engine houses, viz.: eighteen iron beds, \$62.18; eighteen halo mattresses, \$180; eighteen blankets, \$60; sixty pillow slips, \$7.50; sixty sheets, \$24; twenty comforts, \$30; twenty-four spreads, \$21; eighteen pillows, \$27; shades, \$15; eighteen chairs, \$36; two tables, \$5; twenty-nine rugs, \$25; twenty-four roller towels, \$7.50; eighteen bath towels, \$4.12; twenty-four face towels, \$1.50; eighteen wardrobes, \$108; bundles, \$20, total, \$763.92. The report was filed.

Chief Hodgkins reported that ten policemen were ill during part of January, total absences from duty being sixty-five days.

H. C. Capell Declines.

H. C. Capell, who was nominated for Councilman from the Seventh Ward by the Democrats, has issued the following statement declining the nomination:

"The announcement in the morning declared that I was nominated by the Democratic Convention for the office of Councilman from the Seventh Ward. The nomination comes as a great surprise to me, and no doubt to my friends. The nomination was unauthorized, unsolicited and therefore wholly unexpected."

"While I am thankful for this compliment voluntarily tendered by the convention, particularly that portion of it represented by the Seventh Ward delegation, I must decline to accept, giving as a reason therefore that business engagements require all my attention. It would be impossible for me to make a proper canvass of the ward in which I reside. Proper notification will be furnished the City Central Committee."

"Kindly convey the foregoing to your renders. Respectfully, H. C. CAPELL." San Francisco, February 6, 1901.

Died at Dawson.

According to advices from Dawson City, D. C. Saddlemeir of Oakland died there and was buried last month. Deceased was 63 years old and a veteran of the Civil War. It is stated he leaves a family in this city. He died from the result of an operation to amputate one of his arms, made necessary by blood poisoning caused by a scratch on his hand.

MEAT QUOTATIONS

Beef and Pork Lower	
Mutton and Veal Higher.	
Porterhouse steak, 11 c	
Tenderloin Steak, 11 c	
Loin Steak, 11 c	
Prime Rib Roast, 11 c	
Beef to Bon, 10 c	
Cold Beef, 10 c	
Chops, 10 c	
Lamb Mutton, 12 c	
Shoulder Mutton, 10 c	
Short Ribs, 10 c	
Veal, 10 c	
Figs Heads and Feet, 10 c	
FIRST-CLASS MEATS	

VINCENT'S MARKET

Seventh and Washington Streets
Telephone Main 161.

POLICEMEN TELL LAME STORY TO CHIEF HODGKINS

M'Kinley and Pardee Convicted By Their Own Statements.

It is probable that Policemen McKinley and Pardee will again be "on the carpet" before the Board of Police Commissioners because of their high-handed attempt to get money yesterday afternoon from Geo. Nom, proprietor of a Chinese store on 8th street.

Deputy District Attorney George Samuels is still engaged in investigating the case to ascertain whether a warrant shall be issued for the arrest of the two policemen as applied for by Geo. Nom.

Needless to say, both officers strenuously deny that McKinley knocked Geo. Nom down when he declined to give money. The lump raised on his cheekbone by McKinley's fist, and the "cauliflower ear" he wore after the policeman is alleged to have punched him, apparently have little significance.

Both McKinley and Pardee deny that they heard a pistol shot fired, though nearly all the witnesses plainly heard the report and saw both men run into Gees' blacksmith shop next door to Geo. Nom's place of business.

To Chief Hodgkins and Captain of Police Wilson the two policemen have denied all blame for assaulting Geo. Nom.

"I simply asked him if he was ready to pay \$112 costs of suit he owed me," says McKinley, "and the Chinese began to blow his policeman's whistle. There was no attempt to strike him. Rather than cause trouble he left the place."

Chief Hodgkins learned of the two policemen if they were aware that under the circumstances as related by them Geo. Nom's blowing of a whistle with the power to close up the joints and relieve the necessity of a saloon riot by the citizens.

(Signed) "COMMITTEE FOR LAW AND ORDER."

No action was taken by the officers of Windfall, and it is believed the Prohibitionists will take the law in their own hands. The trouble began in Arkansas City, Kas., yesterday, when a committee of three from the ministry called upon Mayor Hess and presented a written request requesting him to use his power to close up the joints and relieve the necessity of a saloon riot by the citizens.

MRS. NATION ADMONISHED.

CHICAGO, Feb. 7.—In its current issue the Northwestern Christian Advocate, the leading publication of the Methodist Episcopal Church west of New York, comments on Mrs. Carrie Nation's crusade of force against saloons in Kansas. It says in part:

"We do not know how wise the lady is, but we hope she is aware that she has no more legal right to 'smash' saloon windows in Chicago than she has to hurl a stone through Bishop Morris' front door or window. At the same time we agree with the lady that all liquor selling is illegal according to higher law, but it is legal according to the lower law, in whose name Mrs. Nation is likely to be arrested if she makes trouble in the Chicago streets."

"When people prove that they can make speeches and can fatten a basket of well-assorted stones and throw all of them accurately—do all this after reaching middle life, yet having had the grace of quiet in previous years—we them respect, and therefore must refrain from giving advice to them. Some innocent people may see that which the wise in this world's wisdom see not. We do not know. We shall wait to find out, and to rejoice if the lady from Kansas confounds the wisdom of every city official in Chicago."

STRONG DRAMA AT THE DEWEY.

"Wicked London" drew another good house at the Dewey last night, and the performance was punctuated with hearty applause. The play shows the evil side of the great city along with the good, and the contrasts are most effective. The situations are strongly dramatic, and the characters of the play are well drawn.

The scenery is unusually good, the scene where the salars are carousing and the murder is committed being a striking p'ecce of realism.

Board adjourned.

YOUNG SOLDIERS WILL HOLD SMOKER.

The young men of this city who during the war with Spain and the disturbances in China served the flag on foreign shores have organized and as Camp Colonel Luttrell's Hall to install the officers they Foresters' Hall to install the officers they recently elected. These are: Isaac E. Luttrell, commander, J. F. Baker, adjutant; Ralph J. Panett, treasurer, and Lewis L. James, delegate to the National Convention of the Veterans of the Spanish-American War, which organization in Oakland is represented by the camp mentioned.

Luttrell, the head of the young soldiers, was gunner of Battery A of the Utah Artillery. J. F. Baker, the camp's adjutant, was First Lieutenant of a company of the Fifty-third Iowa Volunteer Infantry. Ralph Faneur was Sergeant in Company H of the Tenth Pennsylvania Regiment. Of the sixty members of Camp Colonel Luttrell fifty-two were in the volunteer service with the Philippine expeditionary forces and wear the button of the Eighth Army Corps.

ROWDY INSULTS AN UNKNOWN SICK WOMAN.

After filling up with tanglefoot whisky last evening V. M. Comerford went into a lodging house on San Pablo avenue and frightened a sick woman by uttering loud oaths and threats until she was ready to faint. She was a stranger to Comerford and had not seen him before. Called the Police. Hodges happened along and saw Comerford. The latter was a second time about to insult the same woman. With the assistance of Policeman Clark he took Comerford to prison. This morning the accused was fined \$10 for being drunk. As the sick woman could not go to court to prosecute him a charge of disturbing the peace was not pressed.

ALLEGED HIGHWAYMAN IS ACCUSED OF BATTERY.

Deaf Mute James Sterling, who with his brother, was assaulted by four rough men at 2 o'clock Sunday morning on the street, has sworn to a complaint charging Charles H. Babbitt with battery. The latter is the only one of the four assailants captured.

Searching for a Runaway.

Rose Krollier, a 12-year-old girl residing with her parents at 10 Clementine street, San Francisco, disappeared last Wednesday from the Jefferson grammar school on Tehama street, presumably to go home to lunch, and since then no trace of her has been found. She had said to one of her companions that she intended to visit her, and her distressed parents have been searching about Oakland for the child.

KANSAS MEN WILL SMASH THE JOINTS.

Prohibitionists Serve a Warning on City Council.

Associated Press Dispatches by The Tribune's Special Leased Wire. CHICAGO, Feb. 7.—A special to the Record from Arkansas City, Kansas, says:

The Prohibitionists of Windfall have formulated an address to the Mayor and City Council which says:

"We, the citizens who love law and order, know that our town is being afflicted by open saloons and other vice shops which are running daily in open violation to our prohibition laws. We beg you to at once take measures to suppress this violation of law. This is our ultimatum. We do, with a full sense of what we are saying, solemnly pledge if we are not heard in this way we will be fit another."

(Signed) "COMMITTEE FOR LAW AND ORDER."

No action was taken by the officers of Windfall, and it is believed the Prohibitionists will take the law in their own hands.

"I simply asked him if he was ready to pay \$112 costs of suit he owed me," says McKinley, "and the Chinese began to blow his policeman's whistle. There was no attempt to strike him. Rather than cause trouble he left the place."

Chief Hodgkins learned of the two policemen if they were aware that under the circumstances as related by them Geo. Nom's blowing of a whistle with the power to close up the joints and relieve the necessity of a saloon riot by the citizens.

MRS. NATION ADMONISHED.

CHICAGO, Feb. 7.—In its current issue the Northwestern Christian Advocate, the leading publication of the Methodist Episcopal Church west of New York, comments on Mrs. Carrie Nation's crusade of force against saloons in Kansas. It says in part:

"We do not know how wise the lady is, but we hope she is aware that she has no more legal right to 'smash' saloon windows in Chicago than she has to hurl a stone through Bishop Morris' front door or window. At the same time we agree with the lady that all liquor selling is illegal according to higher law, but it is legal according to the lower law, in whose name Mrs. Nation is likely to be arrested if she makes trouble in the Chicago streets."

"When people prove that they can make speeches and can fatten a basket of well-assorted stones and throw all of them accurately—do all this after reaching middle life, yet having had the grace of quiet in previous years—we them respect, and therefore must refrain from giving advice to them. Some innocent people may see that which the wise in this world's wisdom see not. We do not know. We shall wait to find out, and to rejoice if the lady from Kansas confounds the wisdom of every city official in Chicago."

CAMBLING CASES SET FOR TRIAL.

In the nickel-in-the-slot banking game cases before Police Judge Smith the complainants in the cases of Fred Roehl and A. S. Brunner were dismissed because of defects and new complaints will be filed. In the fifteen other cases Attorney L. S. Church's motions to dismiss were overruled. An exception was taken to the ruling in each case and a trial by jury demanded.

Board adjourned.

A COFFEE KILLING.

Some Can and Some Can't Drink It

Some time ago Mr. E. Percival Baker was assigned by the Government to the Chinese Bureau in San Francisco. He is a Spanish and Chinese interpreter, but has become known as a distinctive case of coffee poisoning.

He finally gave up his position and went to Los Angeles to die. He was carried to the train by the physician and at that time weighed 99 pounds.

What coffee poisoning can do for man it is difficult to believe without some personal experience. He says, "The Philadelphians had told me that mine was a clear case of coffee poisoning, but I could not give up the coffee. I had got nothing on my stomach for days" at a time. Dr. Hayden of this city said to me one day, "Have you ever tried Postum Food Coffee?" "Never heard of it," said I. He explained that it was a food drink made at Battle Creek, Mich., by the Postum Cereal Co., Ltd., and as he said was destined to entirely supplant coffee, at least with those who have any regard for their health or lives."

I was so impressed that before leaving the office the Dr. forced me to promise to give Postum a fair trial. Well, to make a long story short, wife made me some for me and she made it right, strictly according to directions. I was served with a delicious cup and half an hour after sipping it was sleeping, the first six hours of sleep or unbroken rest I had had for half a year.

This was not caused by any drug in the Postum for I know it to be absolutely pure, but it was due to the quieting effect of the liquid food on my stomach, and food that I could digest. I persevered in the use of Postum for a week, then I thought I would try just one cup of coffee, but did so with the result that my stomach pains returned with such effect as to require the doctor at my bedside nearly all night. I have never repeated the experiment with coffee, for it showed very plainly what it would do and has done for me if I fool with it.

I have steadily improved in health since making the change, and now weigh 145 pounds, 49 pounds more than I did and am gaining at the rate of over 2 pounds a month. I have had absolutely no trouble since then with my stomach, and it is over three months since I have had a twinge of neuralgia or headache, and I know that my cure is entirely due to leaving off coffee and taking Postum Food Coffee. All the friends and the doctors are of the same opinion. I enclose a list of names of Government officials, at Washington and San Francisco who are more or less familiar with the case and will very likely be disturbed parents have been searching about Oakland for the child.

Some Recent Deaths.

Mr. James Gunn, the venerable widow of the late Captain J. C. Gunn, passed from life yesterday at his residence. She was the mother of Mrs. Mary L. Merchant, Mrs. Jane E. Dryden and the late Mrs. Bertha C. Curtis. Mrs. Gunn was a native of New Hampshire, aged 86 years, 11 months and 2 days.

Alice Madelaine, daughter of Adelaide of Winooski, Cal., died Tuesday night at her late home, 1313 Ninth avenue, East Oakland. She was in her 20th year. Her funeral will occur this afternoon, from her late residence. Interment will be private.

Will Confer, With Kaiser.

Associated Press Dispatches by The Tribune's Special Leased Wire.

Rooms Find Tenants
BY ADVERTISING
ON THE
CLASSIFIED PAGE
Of The Tribune.

RATES—Cent a word first insertion,
3¢ per word each subsequent in-
sertion, 2¢ per line per month.

BRANCH OFFICES

Classified advertisements and submis-
sions to the offices of the Tribune
will be promptly forwarded
to THE TRIBUNE.

ALAMEDA.
14 A. FIELD'S Stationery Store, 120
Park street.
VOLKBERG'S Drug Store, 120 Webster
street.
MISS BIGGS' News Stand, Bay Sta-
tion.
R. J. SMITH'S News Stand, 220 Santa
Clara avenue.

BERKELEY.
J. CIRSON'S Blue and Gold Restaurant,
211 Center street. Sample copy free with
each meal.

M. HAMM BROS., New P. O. Building,
Shattuck avenue.

MOHR'S News Stand, 220 Shattuck ave-
nue. Dwight way.

W. R. FOND'S Drug Store, 221 Shat-
tuck avenue.

MIKE'S GONG'S Restaurant, 227 Tele-
graph avenue.

WOLFE'S Drug Store, 221 University
avenue, West Berkeley.

OAKLAND.
IAHNA'S News Depot, corner Seventh
and Pine streets, West Oakland.

E. O. DUNN'S Telegraph office.

GARRETT & TAGGART'S Drug Store,
junction of San Pablo avenue and Four-
teenth street.

JACKSON'S PHARMACY, 173 Seventh
street, West Oakland.

KRUEGER'S Drug and Stationery
Store, 223-24 Seventh street.

YOUNG & KORTNER'S Grocery, Thir-
ty-fourth street and Telegraph avenue.

WENTWORTH'S Drug Store, corner of
Fourteenth and Fourteenth street, West
Oakland.

GENERAL NOTICES

FOR "Up-to-date Signs" see ALLEN-
DORF, 201 San Pablo ave., cor. Clay
and Seventeenth st., Tel. green 424.

ALAMEDA Window Cleaning Company,
room 15, 100 Broadway, Oakland, agents
for the Sanitary Dust Layer. Floors
and walls scrubbed and polished.

DALE, Mrs. 1111 Market st., San Fran-
cisco, 2201 Market st., San Fran-
cisco.

DALE, Mrs. 1111 Market st., San Fran-<br

PHELAN TELLS HIS STORY.

MUTINY ON A SAILING SHIP.

The Vessel Boarded By United States Officers.

Associated Press Dispatches by The Tribune's Special Leased Wire.

SAN FRANCISCO, Feb. 7.—Major Phelan appeared before the Legislative Investigation Committee today. He said:

"When I was nominated in 1896 I did not know anyone in the Examiner office. It promptly exposed my cause, and we worked together harmoniously until 1899. Then the Examiner expressed a desire for several things and I was willing to oblige them in so far as the favors did not interfere with the public welfare.

"The paper was opposed to Captain Lees as Chief of Police, claiming that his conduct was not what it should be. It was interested in the Police Department, so its representatives told me, and had a candidate for Lees' place in the person of Frederick Esola, who was a member of the department and an estimable man. On the eve of his appointment he was assailed by an evening paper and finally tried and acquitted of the charges, which were without foundation.

"The incident was followed by another. The Examiner wanted George Maxwell reappointed secretary of the new Fire Commission. Maxwell was notoriously identified with Sam Baley, whose influence over the department I believed was injurious to that organization.

"I thought that by hopping off the head of this man much good would be done the department, and we promptly appointed a secretary who had no political affiliations and one who I knew would fill the position in a creditable manner.

"Next the Examiner came to me and asked that I attend a meeting and lend my influence for the purpose of defeating Judge Daingerfield in his ambition to be re-elected to the position on the Superior Court bench.

"I refused to do so, and the Examiner has been hammering away at me ever since. But I do not believe in refusing to do good because the devil bids it. I want this investigation to proceed to the end and have the truth exposed."

"Major Phelan," interposed Chairman Knowland, as his Honor stopped to catch his breath, "not long ago the Cali charged you with acting with the Examiner in the attempt to appoint Esola Chief of Police. Was that so?"

"I am pleased to say it was not," replied the Mayor. "Esola was the friend of the editor of the Examiner, and a year before he was nominated for the position of Chief of Police the Examiner insisted that he be nominated for Sheriff. It was explained that after serving a term in this office he would be well qualified for the appointment of Chief of Police.

"I opposed this for the reasons I at the time gave to the Examiner, namely, that Mr. Esola was comparatively unknown, and, furthermore, Mr. Baley had already made a canvass of the convention and his chances for nomination were most promising.

"Eventually the Examiner nominated Mr. Esola for Chief of Police, but the Commissioners were not disposed to appoint him, owing to the opposition of other papers and the public.

"But they thought that Lieutenant Esola was not as black as he had been painted and that he was deserving of some promotion, so he was elevated to a higher position of responsibility in the property office.

"There was never any contract between the Examiner and myself. The paper still insisted that Lieutenant Esola must be made Chief even if he only held office one day and resigned. The paper, so it must be syndicated, but I would not agree to putting him in as Chief. The statement that there was any further understanding between the paper and myself is entirely false."

"I have mentioned these facts as a suggestion that the Examiner is not prompted entirely by pure motives in its attack on the police."

"Do you think that the present members of the Examiner would have any animosity?" asked Mr. Knowland.

"Well, the policy of the paper is, perhaps, the same. I doubt if the editor of a paper would dare to change the policy of a paper without consent of the proprietor."

"When would you be surprised if it was proven at this investigation that corruption really exists in Chinatown?"

"No, I would not," answered the Mayor, and he proceeded to reiterate his statement of yesterday to the effect that it is impossible to rid Chinatown entirely of its lawbreakers, owing to their conniving methods.

T. Williams was next called to the stand. He told what he had heard about gambling in Chinatown.

DEATHS REPORTED.

Mrs. E. Minnie Jones, a school teacher formerly of Lafayette, died this morning in this city. She had resided here three months. Mrs. Jones was a few days less than 27 years of age.

Mrs. Elvira L. Dickerson died this morning at 1025 Oak street of general paralysis. She was a native of New York and 56 years old. She had resided three years in this city. Her husband survives her.

Mrs. M. S. Moe of 946 Pine street returned from Phoenix, Ariz., today with her husband and family. Her husband is in charge. Mr. Moe went to Arizona some time ago hoping to benefit his health. His death was due to tuberculosis. He died February 5 at Phoenix. Besides his widow he left three children. Mr. Moe was a native of Norway.

Mrs. Jennie M. Mellish, a widow, 45 years old, died today at 1310 Grove street. She left two daughters. Mrs. Mellish was a native of New Jersey.

Licensed to Marry.

George Clay Taylor, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

KING GOES TO LONDON.

Associated Press Dispatches by The Tribune's Special Leased Wire. LONDON, Feb. 7.—King Edward and Queen Alexandra and other members of the royal family arrived in London at 4 o'clock this afternoon. They drove in four open carriages over the same route Emperor William traversed Tuesday. In their majesties' carriage was the Princess Victoria and Prince Edward of York. The King was in civilian clothes and the ladies of the party were closely veiled.

BECKER DECLINES.

Fred Becker of the Grand Central Market on Washington street, who was nominated for Councilman from the Third Ward by the Democrats Tuesday last, will not run for the office. Speaking on the subject to a TRIBUNE reporter, Mr. Becker said:

"I shall decline the nomination for Councilman. I don't want to run. I am not in politics. When the Democratic City Central Committee meets I shall inform them that I will not be a candidate after nearly losing her lifeboat, with nine officers and men, in the heavy sea.

The harbor boat Lamont, just returned from the Hook, reported that the officers from the cutter were armed with revolvers when they boarded the ship. They were in consultation with the ship's captain, but owing to the roar of wind and sea Captain Gray of the Lamont was unable to learn the exact state of things on board the vessel.

NEW TRIAL JURY.

Judge Greene drew a new trial jury this morning to serve for the closing three months. The jurors will be sworn in February 12th. The names drawn follow:

Oakland Township—A. W. Pfeifer, Eugene Lytch, R. S. Wixson, E. B. Taylor, H. D. Cushing, Charles L. Ingles, Charles W. Kline, H. Purst, John Bourquin, C. H. Smith, D. C. Brown, W. H. H. Graves, David S. Sherman, Frederick G. Elton, L. G. Gibbs, David McCarron, Judd Miller, A. C. Purser, Warren G. Barber, J. J. Moran, H. W. Taylor, Michael Gray, Louis Selby, Thomas Price, H. A. Swift, P. A. Neelum, A. V. Lancaster, James Quinlan.

Ahmed—Frank W. Hopper, H. R. Atton, William A. White, E. A. Cleveland, J. H. Nobman, E. S. Barber, H. J. Dodge, Brooklyn Township—H. C. Capwell, Geo. Chase, Richard H. Chamberlain, L. W. Forster, A. T. North.

Murta Township—N. A. Sickeram, Herman Detjen, Ernest Schwend, E. G. Apperson.

Erie Township—George Pestorf, Edward Huff, George Grey, Washington Township—D. C. Lowrie.

SPECIAL FILE.

Associated Press Dispatches by The Tribune's Special Leased Wire. SACRAMENTO, Feb. 7.—The following resolution was offered by Senator Smith and referred to the Committee on Rules:

"Resolved, By the Senate, the Assembly concurring, that on and after the 11th day of February, 1901, the Senate and Assembly shall adopt and provide a special bill

which shall be titled "The Senate only Assembly bill that shall have passed the Assembly, and in the Assembly only Senate bills that have passed the Senate. Such bills shall be taken up at 2 o'clock P. M. of each day and be considered for one and one-half hours. This rule shall not be suspended in either house except by a two-thirds vote of those present."

Eventually the Examiner nominated Mr. Esola for Chief of Police, but the Commissioners were not disposed to appoint him, owing to the opposition of other papers and the public.

"But they thought that Lieutenant Esola was not as black as he had been painted and that he was deserving of some promotion, so he was elevated to a higher position of responsibility in the property office.

"There was never any contract between the Examiner and myself. The paper still insisted that Lieutenant Esola must be made Chief even if he only held office one day and resigned. The paper, so it must be syndicated, but I would not agree to putting him in as Chief. The statement that there was any further understanding between the paper and myself is entirely false."

"I have mentioned these facts as a suggestion that the Examiner is not prompted entirely by pure motives in its attack on the police."

"Do you think that the present members of the Examiner would have any animosity?" asked Mr. Knowland.

"Well, the policy of the paper is, perhaps, the same. I doubt if the editor of a paper would dare to change the policy of a paper without consent of the proprietor."

"When would you be surprised if it was proven at this investigation that corruption really exists in Chinatown?"

"No, I would not," answered the Mayor, and he proceeded to reiterate his statement of yesterday to the effect that it is impossible to rid Chinatown entirely of its lawbreakers, owing to their conniving methods.

T. Williams was next called to the stand. He told what he had heard about gambling in Chinatown.

Mrs. E. Minnie Jones, a school teacher formerly of Lafayette, died this morning in this city. She had resided here three months. Mrs. Jones was a few days less than 27 years of age.

Mrs. Elvira L. Dickerson died this morning at 1025 Oak street of general paralysis. She was a native of New York and 56 years old. She had resided three years in this city. Her husband survives her.

Mrs. M. S. Moe of 946 Pine street returned from Phoenix, Ariz., today with her husband and family. Her husband is in charge. Mr. Moe went to Arizona some time ago hoping to benefit his health. His death was due to tuberculosis. He died February 5 at Phoenix. Besides his widow he left three children. Mr. Moe was a native of Norway.

Mrs. Jennie M. Mellish, a widow, 45 years old, died today at 1310 Grove street. She left two daughters. Mrs. Mellish was a native of New Jersey.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San Francisco 26; Frank Linz, Pescadero 27; May Francis, Pescadero 28.

A. Ross Webster, who has been residing at 1606 Benton street, Alameda, for several months, was arrested in this city last night on a charge of obtaining money under false pretenses. In a room at the "Western House," 967 Washington street, Webster has been conducting the worst kind of a bunco game by deceiving laborers—so-called out of

small sums on the "employment agency" plan.

Theodore C. Becker, San Francisco, 21; Minnie La Belle Hunt, San Francisco 22; Abraham Powell Leach, Oakland 23; Freda Curtis, Oakland 24; William Conrad Butterfield, S. F. 25; Julia Powers, San

W. W. FOOTE MAKES A FINE EXPLANATION.

Tells the Commission
About Work in
Paris.

TO REGULATE MEDICINE AND SURGERY.

Bill Before the Senate
In Which Much In-
terest Is Taken.

SACRAMENTO, Feb. 7.—There was a slight revival of interest in the Paris Commission investigation yesterday because it was known that W. W. Foote had come back to town to again appear before the Committee on Commissions, and because there was a new witness in attendance in the person of C. L. P. Marais.

Mr. Foote was the first witness called. He was in a calmer mood than he had been on his first appearance, and gave no occasion for a brush between himself and the commissioners.

Treadwell, addressing the witness, said that the accounts showed that lump sums were allowed the Commissioners for travelling expenses. Mr. Runyon had testified that he had kept no itemized accounts. Mr. Treadwell wanted to know if that were true with relation to Foote. He replied: "Most certainly, I kept no itemized account." Foote then told of his salary and expenses. He was then asked about his interest in the Alaska Packers Association, and replied that he had received 100 shares of the stock of the company as a fee for some legal work he had done for the association. It had divided with Mr. Congin, his associate, and still had 50 shares. Foote knew nothing about the award of a gold medal to that concern.

Treadwell asked if the award of the medal to the Alaska Packing Association would have prevented a California firm from being awarded a medal. A salmon packing firm had made that complaint.

Mr. Foote replied that the fact that the Alaska Company had received a medal had made him whatever to do with the business of packing establishments in this State.

Mr. Foote was then asked if he had any witnesses he desired to have subpoenaed and replied: "I have no desire to be offensive to this Committee, but I have been attacked and I would like to have called a number of gentlemen who will tell you how I acted in Paris. He then read a list of gentlemen, including Paris and had seen him there. He named among others Claus Spreckels, W. H. Crocker, Charles Fair, Dr. Murphy, J. D. Grant, Joseph Grant, M. H. de Young, George Lor, A. W. Scott, Dr. Woolsey, of Oakland, John Conners of the Oakland Tribune, Frank Carlson, Morgan Hill, Professor Rising of Berkeley, Mr. Foster and many others. "If these gentlemen do not tell you that did everything to uphold the credit and honor of the State, then I give up."

Mellick asked more questions concerning the Alaska Packers Association affair. He brought out the fact that Foote knew nothing about the medal. He had never seen an act of the jurors in his life.

Speaking of the calling of other witnesses, Mr. Foote said that he would then tell the Committee what the knew about the Committee had any doubts as to his conduct. He had been most unjustly accused.

"I have been assailed by Mr. Mellick at a time when I should not have been assailed. I have been abused when the body of my dead wife is on the way here from China, when I was in trouble. Wouldn't you want to be in yourself of the infamous charge of a lot of small-time swindlers? I don't want anybody to think that was ever true and behaved like honest men. I got exonerated. Wouldn't you want to be in trouble? Wouldn't you want to be exonerated if they were recalled in this way?"

He felt it incumbent upon him to do so. He spent \$10,000 which he had from the State and \$12,000 of his own money. "If I had gone to Paris for the price I paid, as I would have done if I had not accepted this appointment, I would have come back at least \$10,000 better off than I was at the end of the trip because I would not have had to incur such expenses. I did. I wanted to show those people what kind of people we have in California and I did."

Mr. Foote was excused and went away with the understanding that he would come again if desired and that the committee would call him witness if he should decide that it was desirable to hear what they might say.

Limley was recalled and cross-examined at some length. He testified that he took in all about four cases of wine out of the headquarters for his own use. Most of the wine he took was for the future. He never took any wine and sold it to hotels. He usually took the wine in a truck and carried it off in that way. Mellick inquired very closely into the matter of the contracts which Limley had secured from exhibitors in which he himself got extra remuneration to give special attention to their exhibits.

Limley had written to exhaler, proposing this arrangement while he was in San Francisco before leaving. It was the Commission's demand of it and told him he must not do this kind of business. He did not, but he kept the contracts thirteen in number. He gave them in the hands of the committee.

Perhaps the most interesting witness of the afternoon was C. L. P. Marais, an attorney of the Commissions. Marais was principally interesting because there had been a great deal of speculation in regard to what he might have to say and because there had been considerable difficulty in getting him before the investigation. Marais was examined at considerable length, but generally as to matters that had been gone over time and again. He thought that he had never seen Commissioner Truman drunk in the rooms. The commission adjourned.

REMARKABLE GAMBLING BILLS INTRODUCED.

Trying to Get Ahead
of the Lexow
Committee.

SACRAMENTO, Feb. 7.—Two rather remarkable bills were prepared yesterday for the regulation of the practice of medicine and surgery in the State occasioned by the last session of the Legislature in relation to gambling in San Francisco in relation to gambling.

One makes it a felony to conduct a gambling game, punishing the punishment at imprisonment in the State Prison for a term not to exceed two years. The other declares that the renting of property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling the report of the Lexow committee which is now conducting an investigation in San Francisco. The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

Certain elements of the Assembly which are inclined to the promoters of the investigation have aimed to get ahead of the Lexow committee by introducing the bills and having them engrossed by the district boards of agriculture, which is prevalent in other parts of the State the matter would seem to demand some other legislative arrangement for the promotion and encouragement of district fairs.

The story is very completely told by the following letter charging the district Board No. 5 with swindling the horse owners out of money due them.

It is a very severe arrangement, and if the practice complained of is prevalent

in other parts of the State the matter would seem to demand some other legislative arrangement for the promotion and encouragement of district fairs.

"Feb. 5, 1901.

To His Excellency, Hon. Henry T. Gage, Governor of California: Dear Sir—The Legislature, during the session of 1890, passed a measure appropriating certain moneys for the district Boards of Agriculture and you approved the same, thus securing for it a place upon the statute books, and making possible the holding of district fairs throughout the State.

"As a result of this enactment, in October of last year, a district fair was held at San Jose under the auspices of District No. 5 comprising the counties of San Mateo and Santa Clara.

According to the official blue book the members of the board of agriculture for that district are Dr. F. La Spada, I. W. Covey, Wm. B. Rankin, George V. Hollinger, James W. Rea and Paul P. Austin.

"The principal attraction of the San Jose Fair was its racing features, and in order to make the same acceptable in that regard the District Association announced that certain moneys would be given to the horse owners whose horses successfully participated in the contests.

"In accordance with this announcement certain horsemen journeyed to San Jose with their stables, and competed for the prizes thus offered. When the meeting closed and they went to collect the various moneys they were unable to obtain the money, the exact amount, from the secretary of the board, Mr. H. H. Muhr—according to their statement to us—being that all of the appropriation from the State Treasury had not yet reached the hands of the board. Since that time they have, upon many occasions, requested that the money due to them be paid, and although it is no longer claimed that any of the appropriations have as yet been received, they have been unable to obtain a settlement.

"Early last month the horsemen in question requested us to represent them to the Attorney General and therefore upon two occasions addressed letters on the subject to the various members of the Board, and its secretary, with the exception of the instances of these men, and we have been unable to obtain the name of the other members nor the secretary even deigned to acknowledge the receipt of our request on the part of their creditors, thus evincing a desire to ignore the proposition altogether. We have therefore concluded that it is but fit and proper to present this matter to you as we think the action taken by the District Board is unfair and discriminatory, and we have requested that the horsemen who received the money offered by the Association are not such Eastern owners who come to the fair for the purpose of making money here during the winter months but are with one exception prominent residents of California and rely upon these district fairs for a large part of their income. It is therefore singularly hard upon them that after competing for money purely offered by the District Association of Agricultural they should be unable to collect them.

"We enclose herewith copies of acknowledgements by Mr. H. H. Muhr, as secretary of the association of the indebtedness to the horsemen in question—the originals are in our possession. Mr. Muhr gave there certificates of indebtedness to the horse owners at the close of the Fair, but they have been valueless to them ever since, as far as collecting them is concerned.

"Very respectfully, Fred Becker.

The Snow Estate.

Major R. W. Snow has been finally discharged as administrator of the estate of Mary B. Snow, deceased.

A CAUSE OF HEADACHE.

One Very Common Cause, Generally Overlooked.

Headache is a symptom, an indication of derangement or disease in some organ, and the cause of the headache is difficult to trace because so many diseases have headache as a prominent symptom, derangement of the stomach and liver, heart trouble, kidney disease, lung trouble, eye strain or ill fitting glasses all produce headache and if we could always locate the organ which is at fault the cause of the headache would be a much simpler matter.

"We have that form of headache called frontal headache, pain back of the eyes and in forehead, the cause is now known to be cataract in the head and throat when the headache is located in back of head and neck it is often caused from cataract of the stomach or liver.

"A rare, rare cataract is the most common cause of such headaches and the cure of the cataract causes a prompt disappearance of the headache.

"There is at present no treatment for cataract so convenient and effective as Stuart's Cataract Tablets, a new internal remedy in tablet form, composed of antiseptics like Eucalyptus, Guaiaacol, and Blood Root which act upon the blood and cause the elimination of the cataract poison from the system through the natural channels.

Miss Cora Ainsley, a prominent school teacher in one of our normal schools, suffered from headache with cataract and cataract Stuart's Cataract Tablets as a cure for them. She says: "I suffered daily from severe frontal headache and pain in and back of the eyes, at times so intensely as to incapacitate me in my daily duties. I had suffered from cataract, more or less for years, but never thought it was the cause of my headaches but finally became convinced that such was the case because the headaches were always worse whenever I had a cold or fresh attack of cataract."

"Stuart's Cataract Tablets were highly recommended to me as a safe and pleasant cataract cure and after using a few fifty cent boxes which I purchased from my druggist I was surprised and delighted to find that both the cataract and headaches had gone for good."

Stuart's Cataract Tablets are sold by druggists at fifty cents per package, with the guarantee of the proprietors that they contain absolutely no cocaine (found in common cataract cures) no opium (so common in cheap cough cures) nor any harmful drug. They contain simply the wholesome antiseptics necessary to destroy and drive from the system the germs of cataract disease.

Sprained His Ankle.

Bert Brown, a lineman who resides at Seventh and Washington streets, slipped off the sidewalk and sprained his ankle. He went to the Receiving Hospital, where Stewart Borchert attended him.

HORSE OWNERS NOT TREATED IN JUST MANNER.

Bitter Complaint Made
to Governor
Gage.

SACRAMENTO, Feb. 7.—Loud com-

plaint is being made by the horsemen of the State that the district boards of agriculture, which were made quasi-public institutions by the last session of the Legislature in endowing them with State money for the payment of money prizes to owners of successful horses at the district fair racing meets are not dealing fairly with the patrons of the race track.

Consequently the horsemen consider that they have a grievance that demands the attention of the State authorities.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling

the report of the Lexow committee which is now conducting an investigation in San Francisco.

The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling

the report of the Lexow committee which is now conducting an investigation in San Francisco.

The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling

the report of the Lexow committee which is now conducting an investigation in San Francisco.

The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling

the report of the Lexow committee which is now conducting an investigation in San Francisco.

The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling

the report of the Lexow committee which is now conducting an investigation in San Francisco.

The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling

the report of the Lexow committee which is now conducting an investigation in San Francisco.

The story goes to the extent that it was one of the chief objects of those who caused the passage of the resolution calling for the investigation to, in the end, make gambling an ineluctable offense in order that police regulations in relation to it could not be taken out of the Police Courts, thus diminishing the police departments power in the premises.

The story is very completely told by

the following letter charging the district

boards of agriculture with swindling

the horse owners out of money due them.

The other declares that the renting of

property to dissolve persons for gambling or other disreputable purposes shall be deemed a felony, punishable by imprisonment in the State Prison for not more than one year.

It is said that these two laws have been introduced for the purpose of forestalling</